

R E M A R K S

Claims **1-2** have been cancelled, and claims **3-44** have been added. Claims **3, 16, 23, 28, 34 and 40** are the only independent claims.

After entry of this amendment, claims **3-44** will be pending in the application.

A. THE DOUBLE PATENTING REJECTION

Claims **1-2** were rejected as being unpatentable over claims 1-2 of U.S. Patent No. 6,327,573 to Walker et al. (hereinafter "Walker") on the grounds of nonstatutory obviousness-type double patenting.

Claims **1-2** have been cancelled without prejudice, and thus the double patenting rejection is now moot. Consequently, applicants request withdrawal of this rejection.

B. THE 35 U.S.C. 102(B) REJECTIONS

Claims **1-2** have been rejected for allegedly being anticipated in view of U.S. Patent No. 5,537,314 to Kanter.

Claims **1-2** have been cancelled without prejudice, and thus the rejections based on 35 U.S.C.102(b) are now moot. Consequently, applicants request withdrawal of this rejection.

C. NEW CLAIMS 3-44

New claims **3-44** have been added, and claims **3, 16, 23, 28, 34 and 40** are independent claims.

New independent claim **3** recites a method that generally pertains to receiving transaction data associated with a customer transaction and enabling the transaction if the presence of the primary account holder or a sub-account holder is confirmed. The method includes retrieving account data which includes information identifying a primary account holder and at least one sub-account holder, and receiving physical presence information which indicates the presence of at least one of the primary account holder and the at least one sub-account holder. The transaction is enabled if the physical presence information confirms the presence of at least one of the primary account holder and a sub-account holder. Independent claim **16** recites a computer readable medium that stores instructions configured to direct a processor to perform the method recited in claim **3**. In

addition, independent claim **23** recites an apparatus that includes a transaction controller including a microprocessor and a memory, an input device, and an output device configured to operate in the manner recited by claim **3**. Support for claims **3**, **16** and **23** can be found, for example, in the specification on page 5, line 3 to page 7, line 7, page 17, line 23 to page 19, line 4, page 21 line 29 to page 28, line 28, and in Figs. 1 and 7. No new matter has been added.

New independent claim **28** recites a method that generally pertains to receiving first transaction data and second transaction data associated with first and second sub-account holders that are both associated with a primary account holder, and then determining rewards for both. The method includes determining a reward for the first sub-account holder based on the first transaction data, and determining a second reward for the second sub-account holder based on the second transaction data. New independent claim **34** recites a computer readable medium that stores instructions configured to direct a processor to perform the process of claim **28**. Lastly, new independent claim **40** recites an apparatus that includes a transaction controller, an input device, and an output device configured to perform the method recited by claim **28**. Support for claims **28**, **34** and **40** can be found, for example, on page 22, line 13 to page 23, line 27, and in Fig. 6. No new matter has been added.

We respectfully suggest that independent claims **3**, **16**, **23**, **28**, **34** and **40**, and their associated dependent claims **4-15**, **17-22**, **24-27**, **29-33**, **35-39** and **41-44**, are allowable over the cited art of record.

D. AMENDMENT TO THE SPECIFICATION

The specification has been amended to update the priority data on page 1 of the application to reflect that U.S. Patent Application No. 09/223,900, filed December 31, 1998, for "MULTIPLE PARTY REWARD SYSTEM UTILIZING SINGLE ACCOUNT", has now issued as U.S. Patent No. 6,327,573. No new matter has been added.

E. AUTHORIZATION TO CHARGE APPROPRIATE FEES

Applicants herein petition for a three-month extension of time to respond, and have authorized the Commissioner to charge Deposit Account No. 50-0271 for the surcharge fee. Applicants also authorize the Commissioner to charge Deposit Account No. 50-0271 for the fee of \$1,700 for the addition of three (3) independent claims in excess of three, and twenty-two (22) dependent claims in excess of twenty.

We do not believe that any other fees are due, but if a fee should be necessary to continue prosecution of the present application, please also charge any such required fee to our Deposit Account No. 50-0271. In addition, please credit any overpayment to Deposit Account No. 50-0271.

F. CONCLUSION

For the foregoing reasons it is submitted that all of claims **3-44** are in condition for allowance, and the Examiner's early re-examination and reconsideration are respectfully requested.

If there are any questions regarding the present application, or if the Examiner has any suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Stephan Filipek at telephone number (203) 461-7252 or via electronic mail at sfilipek@walkerdigital.com.

Respectfully submitted,

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Date

/Stephan J. Filipek, Reg. No. 33,384/
Stephan Filipek
Attorney for Applicants
Registration No. 33,384
sfilipek@walkerdigital.com
(203) 461-7252 /voice
(203) 461-7300 /fax